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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,758	03/24/2004	Daniel J. Von Seggern	5410-006 (312552-24)	6593
28213	7590	10/08/2008		
DLA PIPER LLP (US) 4365 EXECUTIVE DRIVE SUITE 1100 SAN DIEGO, CA 92121-2133			EXAMINER BLUMEL, BENJAMIN P	
			ART UNIT 1648	PAPER NUMBER
			MAIL DATE 10/08/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10808758	3/24/2004	SEGGERN, DANIEL J. VON	5410-006 (312552-24)

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EXAMINER

BENJAMIN P. BLUMEL

ART UNIT	PAPER
1648	20081003

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Commissioner for Patents

The reply filed on July 2, 2008 is not fully responsive to the prior Office action because of the following omission(s) or matter(s): an election of adenovirus serotype 37 does not satisfy the requirement for an election of a species as required by the Office action for a specific adenovirus group D serotype. Applicants elected invention I, however, adenovirus 37 is not mentioned in any of the claims relating to invention I (i.e., claims 1-28 and 34-40). In order to be fully compliant with the election of species requirement, as stated on page 6, lines 5 and 6 of the prior Office action, applicants must elect a specific species serotype recited by the claims of invention I. For example, invention I includes the adenovirus serotypes of 8-10, 13, 15, 17, 19a, 19b, 20, 22-30, 32, 33, 36, 38, 39 and 42-49 (see claim 1), but not serotype 37. The applicants are notified that any claims not reading on the elected invention/species will be withdrawn from consideration. See 37 CFR 1.111. Since the above-mentioned reply appears to be bona fide, applicant is given ONE (1) MONTH or THIRTY (30) DAYS from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

/Stacy B. Chen/
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